

**Notice of Allowability**

Application No.

10/052,705

Examiner

Ghassem Alie

Applicant(s)

GASS ET AL.

Art Unit

3724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/06/05.
2. ☒ The allowed claim(s) is/are 1 and 4-14.
3. ☒ The drawings filed on 01/16/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>08/15/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>09/06/04-07/24/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

***Election/Restrictions***

1. Claims 7-14, deemed allowable, since they depend from the allowable linking claim 1.

It should be noted that independent claim 1 links the elected invention of Group A and non-elected invention of Groups B-E. Claims 7-14 are directed to inventions of Groups B-E.

Therefore, claims 7-14 are now rejoined with the elected invention of Group A.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the positioning member is elongated with one end adjacent the arbor and the other end adjacent the brake mechanism and the positioning member is configured to pivot around the arbor as set forth in claim 1.

Regarding claim 1, Tannewitz (1,811,066) teaches a frame including a table defining a work surface and a rotatable blade coupled to the frame and extendable up through the work surface. Tannewitz also teaches an adjustment mechanism selectively raises and lowers the blade relative to the table and a brake mechanism that is configured to engage and stop the blade. Tannewitz also teaches a brake positioning system which is configured to adjust the position of the brake mechanism to maintain the brake mechanism in an operative position relative to the blade as the blade is raised and lowered. Tannewitz also teaches that the brake positioning system includes a positioning member, which is configured to maintain the brake mechanism adjacent, the blade. However, Tannewitz fails to teach that the positioning member is elongated with one end adjacent the arbor and the other end adjacent the brake mechanism and the positioning member is configured to pivot around the arbor as set forth in claim 1.

The reference above by itself or in combination with the other cited prior art fails to teach the claimed invention set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Comment*

3. It should be noted that in view of the amendment to claim 1 and cancellation of claims 15 and 17, the obviousness-type double patenting rejection over claim 2 of copending application No. 09/92935 is now moot.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

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866-217-9197 (too-free).

GA/ga

August 15, 2005



**Allan N. Shoap**  
**Supervisory Patent Examiner**  
**Group 3700**